OIPE 2007

04-05-07

PTO/SB/25(09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE the Paper work Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

ERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

Docket Number (Optional) 50180

In re Application of: Metcalfe Application No.: 10/821,041

Filed: 4/8/2004

For: Method and Apparatus for Controlling Pests

The owner*, <u>I.D.A. Limited of 100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patient granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 09/736,023, filed on 2/28/01, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box aror 2 below, if appropriate.	
For submissions on behalf of a business/organization (e.g., corporation, partnersh etc.), the undersigned is empowered to act on behalf of the business/organization	ip, university, government agency, on.
I hereby declare that all statements made herein of my own knowledge are trubelief are believed to true; and further that these statements were made with the knowledge are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the statements may jeopardize the validity of the application or any patent issued thereon.	ge that willful false statements and the like so made
2. X The undersigned is an attorney or agent of record. Reg. No. 31663	·
Signature Signature	April 4, 2007 Date
Sue Z. Shaper	Date
Typed or printed name	9
	713 550 5710
	Telephone Number
X Terminal disclaimer fee under 37 CFR 1.20 (d) is included.	
WARNING: Information on this form may become public. Credit card in be included on this form. Provide credit card information and authorization.	nformation should not attion on PTO-2038.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

04/05/2007 CCHAU1

00000094 10821041

01 FC:2814

65.00 OP

Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).

S:\Documents and Settings\Sue Shaper\My Documents\Shaper\BainSmith\50180 terminal disclaimer.doc